HIGH COURT OF UTTARANCHAL AT NAINITAL.

ORIGINAL JURISDICTION

Writ Petition no. 201 (S/S) of 2006

Birbal Singh Chauhan S/o Sri L.S. Chauhan,
R/o Main Road, Babugarh, Vikas Nagar,
Dehradun. ----Petitioner.

Vs.

1. State of Uttaranchal, through the Secretary Agriculture,
   Govt. of Uttaranchal at Dehradun,
2. Director of Agriculture,
   Uttaranchal at Dehradun,
3. Assistant Director, Watershed Management,
   Vikas Nagar at Dank Pathhar, Dehradun. ----Respondents.

Sri B.D. Upadhyay, learned counsel for the petitioner,
Ld. Standing Counsel for the state/respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri B.D. Upadhyay, learned counsel for the petitioner and learned Standing Counsel for the State/ respondents.

2. By means of this writ petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 3 to relieve the petitioner from Vikas Nagar, Dehradun in pursuance of the modified orders of transfer order dated 02.06.2005 and 30.11.2005 passed by the respondent no. 2.

3. Briefly stated, the petitioner was working as Assistant Manager, Watershed Management and was posted at Watershed Management, Vikas Nagar at Dank Pathhar Dehradun. Thereafter, the petitioner was promoted to the post of Deputy Manager, Watershed Management on the pay scale of 4500-7000. Vide order dated 02.03.2005 passed by Director of Agriculture, Uttaranchal, Dehradun the petitioner, was transferred to Watershed Management Unit- Bageshwar. On account of an accident of his two sons who died as a result of the accident, his wife submitted application to the respondent no. 1 on 25.04.2005 requesting him to modify/change the transfer order and further with

the request that his husband may be posted at any nearby stations on the family circumstances.

4. It was contended that on 2nd June 2005, the transfer order was changed and the respondent no. 3 was directed to relieve the petitioner for joining on the new place of posting. This transfer order was further modified by another order dated 30.11.2005 passed by respondent no.2 by which the petitioner has been directed to take charge at Roorkee, Haridwar.

5. Grievance of the petitioner is that inspite of the representation made by the petitioner, neither the petitioner has been relieved from Vikas Nagar, Dehradun nor he is getting salary. Contention of the petitioner is that the respondents are treating him as having already been relived for Bageshwar on 25.04.2005 and posted at Bageshwar. Be as it is, as will appear from the modified transfer order, the petitioner was transferred to Vikas Nagar, Dehradun and lateron to Haridwar.

6. The respondent no. 3, therefore, is directed to pass appropriate orders in connection with the reliving of the petitioner. Liberty is given to the petitioner to approach the authority concerned within a period of 10 days by filing a fresh representation. The authority concerned shall pass appropriate orders within a period of two weeks for relieving the petitioner for joining at the modified place of transfer. However, the petitioner shall get his salary for the work he has already done. Subject to these observations, the writ petition is disposed of finally. No order as to costs.

(Rajesh Tandon, J.)

Feb. 25,2006:
NCM: